UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

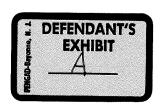
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IN RE: NEW ENGLAND) MDL No. 1:13-md-2419	9-FDS
COMPOUNDING PHARMACY, INC.)	
PRODUCTS LIABILITY LITIGATION)	
)	
This Document Relates To:)	
)	
All Actions)	
)	
)	

[PROPOSED] MDL Order No. November ___, 2013

FURTHER CASE MANAGEMENT ORDER MODIFYING MDL ORDER NO. 7

This order establishes further case management procedures in *In re New England Compounding Pharmacy, Inc., Products Liability Litigation*, MDL No. 1:13-md-2419-FDS ("the MDL"). This order modifies or establishes certain deadlines for discovery and certain other events, and is based in part on the [stipulation and proposed order/proposals submitted by the Plaintiffs' Steering Committee ("PSC") and certain Unaffiliated Defendants.] This order amends and supersedes MDL Order No. 7.

1. Definitions. For purposes of this order, (a) the term "NECC" shall mean New England Compounding Pharmacy, Inc.; (b) the term "Affiliated Defendants" shall mean Barry Cadden; Lisa Cadden; Doug Conigliaro; Carla Conigliaro; Gregory Conigliaro; Glenn Chin; Alaunus Pharmaceutical, LLC; Ameridose, LLC; GDC Properties Management, Inc.; Medical Sales Management; and Medical Sales Management SW; (c) the term "Unaffiliated Defendants" shall mean all



- defendants other than NECC or the Affiliated Defendants; and (d) the term "Bellwether Cases" shall mean the first individual cases selected for trial.
- 2. Participants in Mediation Program. The Court's Order on Mediation Program of August 15, 2013, exempts participating defendants from various discovery obligations. In order to ensure that the litigation process is fair should attempts at mediation prove unsuccessful, the Court may find it appropriate to modify the deadlines in this order, grant additional stays, or take such other action as justice may require.
- 3. Scope of this Order. This order applies only to the cases in which the following entities have been named as Defendants: Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC"); the Howell Allen Clinic, P.C. ("Howell Allen"); John W. Culclasure, M.D. ("Culclasure"); Debra V. Schamberg, R.N. ("Schamberg"); and Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health ("Saint Thomas Entities"), Specialty Surgery Center, Crossville, PLLC, and Kenneth R. Lister, M.D. All of these defendants will be referred to in this Order as the "Tennessee Defendants." This Order does not in any way apply to NECC, which remains subject to the protections of the Bankruptcy Court, or the Affiliated Defendants.
- **4. Schedule**. The Court hereby sets the schedule below for the following events in this matter (*initial proposals are in bold and italics*/new proposals follow):

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Fact discovery of (1) NECC and (2) the Affiliated Defendants. Fact discovery of (1) the Unaffiliated Defendants, (2) non-parties, and (3) plaintiffs. Filing of answers, motions to dismiss, or other responsive pleadings by (1) NECC and (2) the Affiliated Defendants. Filing of answers, motions to dismiss, or other responsive pleadings by the Unaffiliated Defendants. Filing of Master Complaint by PSC. Filing of Short Form Complaint by PSC. Filing of Short Form Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek	Case 1:13-md-02419-RWZ Docu	ment 597-1 Filed 11/25/13 Page 3 of 4			
Affiliated Defendants. Fact discovery of (1) the Unaffiliated Defendants, (2) non-parties, and (3) plaintiffs. Filing of answers, motions to dismiss, or other responsive pleadings by (1) NECC and (2) the Affiliated Defendants. Filing of answers, motions to dismiss, or other responsive pleadings by the Unaffiliated Defendants. Filing of Master Complaints relating to unnamed Tennessee Defendants and form of Short Form Complaint by PSC. Filing of Short Form Complaint by PSC. Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek	Event	Dates/Deadline			
Defendants, (2) non-parties, and (3) plaintiffs. Filing of answers, motions to dismiss, or other responsive pleadings by (1) NECC and (2) the Affiliated Defendants. Filing of answers, motions to dismiss, or other responsive pleadings by the Unaffiliated Defendants. Filing of Master Complaints relating to unnamed Tennessee Defendants and form of Short Form Complaint by PSC. Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek		Stayed until further order of the Court.			
other responsive pleadings by (1) NECC and (2) the Affiliated Defendants. Filing of answers, motions to dismiss, or other responsive pleadings by the Unaffiliated Defendants. Filing of Master Complaints relating to unnamed Tennessee Defendants and form of Short Form Complaint by PSC. Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek	Defendants, (2) non-parties, and				
other responsive pleadings by the Unaffiliated Defendants. Filing of Master Complaints relating to unnamed Tennessee Defendants and form of Short Form Complaint by PSC. Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Date + 30 [factoring in the holidays]/January 17, 2014	other responsive pleadings by (1) NECC	Stayed pending further order of the Court			
unnamed Tennessee Defendants and form of Short Form Complaint by PSC. Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Date + 30 [factoring in the holidays]/January 17, 2014	other responsive pleadings by the				
Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Date + 30 [factoring in the holidays]/January 17, 2014	unnamed Tennessee Defendants and form	*November 5, 2013 */December 18, 2013			
Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants. Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek Date + 30 [factoring in the holidays]/January 17, 2014	Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether	Date + 30 /January 17, 2014			
Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants. Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek 17, 2014 Date + 30 [factoring in the holidays]/January 17, 2014	Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the	Stayed pending further order of the Court			
to Dismiss the Master Complaint that seek 17, 2014	Dismiss the Master Complaint, or other pleadings responsive to the Master				
claims. The deadline for briefing concerning motions to dismiss that seek solely to dismiss claims shall be stayed until further order of this Court.	to Dismiss the Master Complaint that seek to dismiss parties, as opposed to solely claims. The deadline for briefing concerning motions to dismiss that seek solely to dismiss claims shall be stayed until further				
Filing of Memoranda in Support of Motions to Dismiss individual claims in the Master Complaint. Date + 60/ February 17, 2014	to Dismiss individual claims in the Master Complaint.	Date + 60 / February 17, 2014			
Filing of Short-Form Answers. Date + 60/February 18, 2014 [unless plaintiffs]	Filing of Short-Form Answers.	Date + 60/February 18, 2014 [unless plaintiffs			

	ment 597-1 Filed 11/25/13 Page 4 of 4 do not file a master complaint against the Tennessee Defendants in which case date should be extended to March 31, 2014]
Filing of Responses to Motions to Dismiss the Master Complaint that seek to dismiss parties, as opposed solely claims	Date + 60 [factoring in the holidays]/February 18, 2014 30 days after filing of Memoranda in Support of Motions to Dismiss [factoring in the holidays]
Filing of Replies to Motions to Dismiss to which Responses have been filed.	Date + 85/March 14, 2014 25 days after filing of Responses to Motions to Dismiss
Selection of potential Bellwether Cases	Stayed pending separate orders of the Court on a bellwether process for defined groups of individual cases.

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F. Dennis Saylor IV United States District Judge

Dated: November ____, 2013